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| 10/507,186 | 09/10/2004 | Mitsuteru Kataoka | 2004-1421A | 8933 |
| 513 7590 05/28/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021 | | | | |
| EXAMINER | | | | |
| SHIBRU, HELEN | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,186

Applicant(s)

KATAOKA, MITSUTERU

Examiner

HELEN SHIBRU

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 09/10/2004.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-17 are rejected under 35 U.S.C. 102(c) as being anticipated by Matoba (US PG PUB 2002/0100047 A1).

Note to the Applicant: The USPTO considers the Applicant's "or and one of" languages to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 10, Matoba discloses a speculative recording device (1200d) comprising: profile extracting means (110) for extracting a user profile (Pu) which indicates a preference of a user in viewing programs based on an operation by the user (see paragraphs 0008, 0037 and claim 1); program list managing means (106) for acquiring attributes (IP) of a program (see paragraphs 0009, 0011, 0036 and claim 4); speculation selecting means (111) for selecting a program to be speculatively recorded based on the user profile (Pu) and the attributes (IP) of the program (see paragraphs 0046, 0047, 0048 and claims 1 and 6); storage managing means (107) for accumulating program data (DP) (see paragraph 0035 and claim 1); speculative recording managing means (112) for erasing the program data (DP) accumulated in the storage managing means (107) when necessary and for recording program data (DP) selected by the speculation selecting means (111) (see paragraphs 0010, 0011, 0049 and claim 10); user interface controlling means (S603 to S605) for converting a state of the program data

accumulated in the storage managing means (107) between a temporarily-stored state and a permanently-stored state in accordance with a request from the user (see paragraphs 0035 and 0056); and chasing means for, after beginning a process of accumulating a currently-broadcast program into a file in the temporarily-stored state from a record starting timing to an end of the program, beginning to play back the file at a playback starting timing, wherein the user interface controlling means (S603 to S605) inputs the record starting timing and the playback starting timing from the user (see claim 5 and paragraph 0039).

Regarding claim 11, Matoba discloses a speculative recording device (1200c) comprising: profile extracting means (110) for extracting a user profile (Pu) which indicates a preference of a user in viewing programs based on an operation by the user (see rejection of claim 10 above); program list managing means (106) for acquiring attributes (IP) of a program; speculation selecting means (111) for selecting a program to be speculatively recorded based on the user profile (Pu) and the attributes (IP) of the program (see rejection of claim 10 above); storage managing means (107) for accumulating program data (DP) (see rejection of claim 10 above); speculative recording managing means (112) for erasing the program data (DP) accumulated in the storage managing means (107) when necessary and for recording program data (DP) selected by the speculation selecting means (111) (see rejection of claim 10 above); user interface controlling means (S603 to S605) for converting a state of the program data accumulated in the storage managing means (107) between a temporarily-stored state and a permanently-stored state in accordance with a request from the user (see claim 10 rejection above), wherein the program data (DP) accumulated in the storage managing means (107) is in either one of the temporarily-stored state and the permanently-stored state, and the speculative

recording managing means (112) erases, among the program data (DP) accumulated in the storage managing means (107), a piece of program data (DP) in the temporarily-stored state when necessary and records the program data (DP) selected by the speculation selecting means (111) in the temporarily-stored state (see paragraph 0049 and 0051); and chasing means (S705) for, after beginning a process of accumulating a currently-broadcast program into a file in the temporarily-stored state from a record starting timing to an end of the program, beginning to play back the file at a playback starting timing (see paragraph 0039 and claim 1).

Regarding claim 12, the limitation of claim 12 can be found in claims 10 and 11.

Therefore claim 12 is analyzed and rejected for the same reasons as discussed in claims 10-11.

Regarding claim 13, the limitation of claim 13 can be found in claims 10 and 11.

Therefore claim 13 is analyzed and rejected for the same reasons as discussed in claims 10 and 11. It is noted that Matoba discloses communication means (901) for communicating with a network (920) connected with one or more remotely-located program recording devices (1200er, 912) (see figures 1 and 2 and claims 39 and 48), wherein when the user interface controlling means (S603 to S605) performs an operation of converting a state of a piece of program data selected by the user from among programs accumulated by the remotely-located program recording devices and the program data (DP) accumulated in the storage managing means (107) into the permanently-stored state in accordance with a request from the user while utilizing the communication means (901), if the piece of program data selected by the user is a piece of program data accumulated in one of the remotely-located recording devices (1200er), the selected piece of program data is taken into the storage managing means (107) via the

communication means (901) to be converted into the permanently-stored state (see paragraphs 0039, 0041 and 0042).

Regarding claim 14, Matoba discloses the user interface controlling means (S603 to S605) inputs a record starting timing and a playback starting timing from the user; the device further comprises chasing means for, after beginning a process of accumulating a currently-broadcast program into a file in the temporarily-stored state from a record starting timing to an end of the program, beginning to play back the file at a playback starting timing; and when there is a program data file which is program data (DP) accumulated in one of the remotely-located program recording devices (1200fr) and which is of a program identical to a currently-broadcast program to be accumulated by the chasing means (S603 to S605), the chasing means starts, by utilizing the communication means (901), playing back the program data file of the identical program at the playback starting timing (see paragraph 0035 and 0056).

Regarding claim 15, Matoba discloses the chasing means starts playing back the program data file of the identical program at the playback starting timing and, at a time point of the record starting timing or later, changes the played-back file from the identical file to a file conducted for the storage managing means (see paragraphs 0039, 0051-0054 and claim 5).

Regarding claim 16, Matoba discloses a speculative recording device (1200g) comprising: profile extracting means (110) for extracting a user profile (Pu) which indicates a preference of a user in viewing programs based on an operation by the user (see claim 10 rejection above); program list managing means (106) for acquiring attributes (IP) of a program (see claim 10 rejection above); view request inference means (111) for, based on the user profile (Pu) and the attributes (IP) of the program, creating a speculation score (Ps) indicating a degree

(Ps) of a view request of the user for the program (see paragraphs 0010 and 0027); speculation selecting means (111) for selecting a program to be speculatively recorded based on the speculation score (Ps) (see paragraph 0051); storage managing means (107) for accumulating program data (DP) (see claim 10 rejection above); speculative recording managing means (112) for erasing the program data (DP) accumulated in the storage managing means (107) when necessary and for recording program data (DP) selected by the speculation selecting means (111) (see abstract, paragraphs 0051-0054); communication means (901) for communicating with a network (920) connected with one or more remotely-located program recording devices (1200gr, 912) (see figures 1 and 2 and claims 39 and 48); speculatively-to-be-recorded program identification means (106) for creating speculatively-to-be-recorded program information (Ip) identifying the selected program which is to be speculatively recorded (see abstract and paragraphs 0035 and 0056); and speculative recording request means (113, 901) for giving a request to one of the remotely-located program recording devices (1200gr) to perform a preprogrammed recording of the selected program, with the speculatively-to-be-recorded program information (Ip) and speculation score (Ps) of the selected program (see claims 1, 4, 5 and 16).

Regarding claim 17, the limitation of claim 17 can be found in claim 16 above. Therefore claim 17 is analyzed and rejected for the same reasons as discussed in claim 16. It is noted that Matoba discloses record preprogramming request receiving means (901, 112) for receiving, along with program identification information (IR) identifying at least one program and a second speculation score (Ps(1200g)) indicating a degree of the view request for the program, a preprogrammed recording request of the program from one of the remotely-located program

recording devices (1200g) (see paragraphs 0051, 0052 and 0054); and preprogrammed recording program selecting means for determining a program of which a preprogrammed recording is to be performed based on the first speculation score and the second speculation score, when it is impossible to record the program of which a preprogrammed recording was requested and the program which is to be speculatively recorded simultaneously (see paragraphs 0006, 0039, 0042 and 0046).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/HELEN SHIBRU/

Examiner, Art Unit 2621

May 23, 2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621